

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JAMES D. MOBLEY,)	
)	
)	
Plaintiff,)	Case No.
)	
vs.)	<u>COMPLAINT</u>
)	
NORFOLK SOUTHERN)	
RAILWAY COMPANY,)	
)	
Defendant.)	

COMES NOW, James D. Mobley, Plaintiff in the above-captioned action, and complaining of Defendant to recover money damages for personal injuries sustained by him on March 10, 2004, during the course of his employment with, and as a result of the negligence of, Norfolk Southern Railway Company, shows this honorable Court as follows:

1. James D. Mobley is a citizen of the State of South Carolina, residing in Moncks Corner, South Carolina.
2. The Defendant, Norfolk Southern Railway Company (hereinafter “NS”), is a railroad corporation organized and existing under the laws of Commonwealth of Virginia and authorized to conduct business in the State of South Carolina, and, at all times relevant to this Complaint, was doing business within the jurisdiction of this Court as a common carrier of intrastate and interstate commerce, and was engaged in interstate commerce and transportation.
3. At all times relevant to this Complaint, NS has regularly and systematically conducted its business activities and affairs within Charleston, South Carolina.
4. This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. §1331 and venue is proper in this Court.

5. This cause of action arises under the *Federal Employers' Liability Act*, 45 U.S.C. §§51-60, as amended.

6. On March 10, 2004, James D. Mobley, an employee of NS, was working as a conductor in the NS Seven Mile Yard in or near North Charleston, South Carolina.

7. At that time, while working within the course and scope of his employment and performing his duties as one of NS's employees, James D. Mobley was injured.

8. At the time of his injury, James D. Mobley's duties were in the furtherance of interstate commerce, and his work directly, closely and substantially affected the interstate commerce carried on by NS.

9. At the time of his injury, NS negligently and carelessly failed to provide James D. Mobley with a reasonably safe place to work; NS agents and employees, including supervisory personnel, were negligent; NS failed to promulgate or enforce adequate and proper rules, regulations, policies or procedures for the safe and proper performance of its employees' work; and NS was otherwise negligent.

10. As a result of NS's negligence, as described above, James D. Mobley sustained extremely serious, painful and permanent injuries to his hands and fingers, including the partial amputation of several fingers; he has suffered physical pain, discomfort and mental anguish, and these will or may continue in the future; he has incurred substantial expenses for doctors and related medical care, and in the future he will or may continue to incur such expenses in an effort to be cured and healed; he has missed time and lost earnings and benefits from his employment, and, in the future, he will or may continue to lose time, income and benefits; he has suffered a loss or reduction in his earning capacity; and he has been unable to perform all of the usual personal affairs of a man of his age and position in life, and in the future, he will or may continue to be unable to perform some or all of such affairs.

WHEREFORE, based on the foregoing, Plaintiff prays:

1. That Defendant be cited to appear and answer all matters aforesaid;
2. That judgment be entered for Plaintiff and against Defendant, for all general and special damages known to the law;
3. That all expert fees be taxed as costs;
4. That Plaintiff be awarded all costs and legal expenses; and
5. That Plaintiff be awarded all other relief the Court deems fit.

Respectfully Submitted,

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February 2, 2007
Mount Pleasant, South Carolina